

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2005

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning and Environmental Res.

Staff Contact Person: Ronda Norman & Jerry D. Sanders, Esq.

AGENDA ITEM WORDING:

A public hearing on an Ordinance to add to existing definitions to define "Dwelling Density Bonus Unit" (Sec. 9.5-4); Amend Maximum Residential Density and District Open Space (Sec. 9.5-262) to Allow for Density Bonuses for Affordable and Employee Housing Units of 750 Sq. Ft. or Less; and to Amend Required Parking (Sec. 9.5-352).

(Only one public hearing required)

ITEM BACKGROUND:

This is a Planning Department-sponsored amendment that follows up Workforce Housing Task Force recommendations. The Development Review Committee on March 7, 2006 and the Planning Commission on March 22, 2006 held public hearings on this matter and recommended approval of the amendments.

PREVIOUS RELEVANT BOCC ACTION:

These Workforce Housing Task Force recommendations were conceptually approved and directions given to staff by the BOCC on February 15, 2006, pursuant to Resolution Nos. 093-2006 and 096-2006.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: N/A

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty ☒ OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:



Ronda Norman

DOCUMENTATION: Included ☒ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

ORDINANCE NO. ____ - 2006

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADDING TO EXISTING DEFINITIONS (Sec. 9.5-4); AMENDING MAXIMUM RESIDENTIAL DENSITY AND DISTRICT OPEN SPACE (Sec. 9.5-262) TO ALLOW FOR DENSITY BONUSES FOR AFFORDABLE UNITS OF 750 SQ. FT. OR LESS; AMENDING REQUIRED PARKING (Sec. 9.5-352); AMENDING AND/OR ADDING FOR CONSISTENCY PURPOSES RELATED PROVISIONS; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING EFFECTIVE DATE; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES

WHEREAS, the Board of County Commissioners has considered the comments of the public, recommendations of the Planning Commission, recommendations of staff and the Workforce Housing Task Force and its counsel, and other matters, and;

WHEREAS, the Board of County Commissioners makes the following Findings of Fact:

1. The lack of sufficient affordable housing opportunities for the local workforce creates serious risks to the local economy.
2. There is limited land area suitable for residential development remaining in the County.
3. There is a current estimated unmet need of about 7,317 affordable units the County.
4. Allowing a density bonus will allow for the creation of more affordable housing under the Code, is a legitimate state interest and is proper to implement Goals 101 and 601 of the plan (e.g., Objective 101.4; Policy 101.4.5; Policy 601.1.12 and Objectives 601.2 and 601.6).
5. These amendments to the land development regulations are appropriate in that they recognize the need for additional detail and comprehensiveness in addressing housing needs in Monroe County, based upon, among other factors, new issues, including accelerated conversion of existing affordable housing stock, increased housing pressures due to housing loss caused by Hurricane Wilma, and the changed projections and assumptions regarding resulting demographic trends.
6. These amendments to the land development regulations specifically further Fla. Stat. § 163.3202(3) by implementing innovative land development regulation provisions such as transfer of development rights, incentive and inclusionary housing.
7. These amendments to the land development regulations are necessary to ensure that, despite the limited availability of developable lands, the County's existing and future housing stock includes adequate affordable housing opportunities.

8. The proposed amendments to the Land Development Regulations are consistent with and further goals, objectives and policies of the Year 2010 Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THE FOLLOWING: That the preceding findings support its decision to approve the amendments to the Land Development Regulations of the Monroe County Code as provided herein:

Section 1.

Add Sec. 9.5-4(D-31)(a) as follows:

(D-31)(a) *Dwelling, density bonus unit* means the additional number of dwelling half units that can be added to a site pursuant to the means as defined in Section 9.5-262** and shall be one (1) or more rooms physically arranged to create a housekeeping establishment for occupancy by one (1) family with separate toilet facilities. The abbreviation “DDBU” shall mean “dwelling density bonus unit”.

Section 2.

Add Sec. 9.5-4(D-31) (b) as follows:

(D-31)(b) *Dwelling, half unit* means deed restricted affordable housing units as defined in MCC § 9.5-4 (A-4-5) that range in size from 400 to 750 square feet which shall be considered one-half (.5) of a dwelling unit for the purpose of calculating density as laid out in §9.5-262**.

Section 3.

Amend chart rows of Sec. 9.5-262 and add ** row as follows:

Maximum residential density and district open space.*,

Land use district	Allocated density DU/acre	Maximum net density DU/buildable area	Open space ratio*
Urban Residential	6.0	12.0	0.2
(Affordable and Employee housing)	6.0	25.0**	0.2
Suburban Commercial	3.0	6.0	0.2
(Affordable and Employee housing)	3.0	18.0**	0.2
Mixed Use	1.0	12.0	0.2
(Affordable and Employee housing)	1.0	18.0**	0.2

** For the purposes of these density calculations only, notwithstanding the definition of a dwelling unit as defined in §9.5-4 (D-31), deed restricted affordable or employee housing units (as defined in MCC§§9.5-(A-4-5) and (E-1), respectively), in the SC, MU and UR

land use districts that range in size from 400 to 750 square feet shall be considered a *dwelling half unit*. An equal number of additional *dwelling half unit(s)* shall be available for each dwelling half unit provided. The additional dwelling half units shall be defined as *dwelling density bonus unit(s)*.

Section 4.

Amend Section 9.5-352 by adding row as follows:

(c) *Required Number of Off-Street Parking Spaces:* The following is the number of parking spaces to be provided for each use:

TABLE INSET:

Specific Use Category	Minimum Required Number of Spaces
Dwelling half units	1.0 spaces per dwelling half unit

Section 5. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

Section 7. Transmittal

This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes and as required by F.S. 380.05(6) and (11).

Section 8. Filing

This ordinance shall be filed in the Office of the Secretary of State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 9. Effective Date.

This ordinance shall become effective as provided by law and stated above. Where Comprehensive Plan amendments may be required in order for any part of this ordinance to be deemed consistent with the Comprehensive Plan, the effective date of such part shall be as of the effective date of the required Comprehensive Plan amendment and as otherwise required by law.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 19th day of April, 2006.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Murray Nelson	_____
Commissioner Dixie Spehar	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Mayor Charles "Sonny" McCoy

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk

APPROVED AS TO FORM:

County Attorney



Jerry Coleman, Esq.
John C. Rockwell, Esq. (FL only)
Email: jerrycolemanpl@bellsouth.net
jrockwellesq@bellsouth.net

JERRY COLEMAN, P.L.
201 Front Street, Suite 203
Key West, Florida 33040
(Admitted Florida and New York)

Truman Annex
Building 21 Second Floor
Tel: 305-292-3095
Fax: 305-296-6200

MEMORANDUM (STAFF REPORT)

TO: Monroe County Board of County Commissioners

FROM: Jerry Coleman

DATE: April 3, 2006

MEETING DATE: April 19, 2006

RE: REVISIONS TO MONROE COUNTY LAND DEVELOPMENT REGULATIONS, SECTIONS 9.5-4, 9.5-266 and 9.5-352 – Defining “Dwelling Density Bonus Unit”; Providing for Density Bonuses for Affordable and Employee Housing Units of 750 Sq. Ft. or Less; Increasing the Allowable Density in the Sub-Urban Commercial Land Use District for Affordable/Employee Housing; Amending Required Parking

I. BACKGROUND

This memorandum/staff report draws from that presented along with the proposed ordinance as presented to and approved by the Monroe County Planning Commission at its regularly scheduled meeting on March 22, 2006 in Key Largo. The proposed amendments were also discussed at the Workforce Housing Task Force workshop meetings with the Board of County Commissioners, held on February 10, 2006, and the Planning Commission, on March 8, 2006. The Board previously approved the recommendation for these changes at its regularly scheduled meeting in Key Largo on February 15, 2006. These changes are consistent with similar changes being made to Section 9.5-266(a)(1)b in a companion proposed amendment to the LDRs.

The proposed amendments to Sections 9.5-4, 9.5-262 and 9.5-352 will increase the maximum allowable net density in the Suburban Commercial (SC) district from 15 to 18 dwelling units for affordable and employee housing. The amendments also combine the density provisions for affordable and employee housing in §9.5-262 set forth (in chart form) in the Urban Residential (UR) and Mixed Use (MU) land use districts into a single row.

In addition, the amendment proposes a density bonus for affordable housing units which are 400 to 750 square feet in size. Section 9.5-4 defines these smaller “half” units (for density purposes) and § 9.5-352 reduces the parking space requirements for these units.

II. SUMMARY

The proposed changes are as follows:

1. Increase the maximum net density in SC district from 15 to 18 dwelling units:

Current Code §9.5-262 provides for a maximum net density of 15 units per buildable area for employee housing and does not include affordable housing. The amendment will increase this from 15 to 18 dwelling units for employee housing and add affordable housing at this density to the SC district.

2. Combine affordable and employee housing chart rows for UR and MU districts:

The chart in current Code §9.5-262 provides separate rows for UR and MU land districts for allocated density, maximum net density and open space ratio. The rows for affordable and employee housing are identical. The amended ordinance combines affordable and employee housing in both land use districts into single rows for each section.

3. Provide Density Bonus for Affording Housing Units 400 – 750 sq. ft.:

For purposes of calculating allowable density in §9.5-262, the amended ordinance allows for proposed units in the SC, MU, and UR land use districts that are 400 – 750 sq. ft. to be counted as dwelling half units if they are deed restricted affordable housing. This will allow an equal number of like-size dwelling density bonus units to be built at the same site increasing the total number of smaller half units allowed. Dwelling density bonus units must also be deed restricted affordable housing.

4. Provide Definitions for Dwelling Half Units and Dwelling Density Bonus Units:

The ordinance provides definitions in §9.5-4 for the 400-750 sq. ft. units to be built and given as a density bonus.

5. Reduction of Parking for Dwelling Half Units and Dwelling Density Bonus Units:

The amendment allows units proposed as dwelling half units or dwelling density bonus units to have one (1) parking space per unit instead of one and a half (1.5) parking spaces per unit as set forth in §9.5-352. While there is concern about adequate parking, increased parking in fact provides incentives for more vehicles. Constrained parking, for small units, especially ones suitable for single-person households, encourages car pooling and use of alternative modes of transportation, including public transit.

III. FINDINGS OF FACT

1. Staff finds that the proposed changes are consistent with Section 9.5-511(d)(5)b.(i), (ii), (iv) and (v); to wit, “changed projections”, “changed assumptions”, “new issues” and “recognition of a need for additional detail or comprehensiveness”.
2. Staff finds the amendment consistent with the goals, objectives, and policies of the Monroe County Year 2010 Comprehensive Plan.
3. Staff finds the amendment consistent with F.A.C. Chapters 9J-5, Florida Statutes, Chapter 163, and The Principles for Guiding Development.

IV. PROPOSED TEXT CHANGE

Please see attached Ordinance.

V. RECOMMENDED ACTION

Based on the Findings of Fact, the Planning Commission, Planning Department Staff and Workforce Housing Task Force counsel recommend **APPROVAL** of the proposed text changes to Sections 9.5-4, 9.5-262 and 9.5-352 of the Monroe County Land Development Regulations. Workforce Housing Task Force counsel and the County Attorney’s office have reviewed the ordinance for legal sufficiency.

PLANNING COMMISSION RESOLUTION NO. P13-06

A RESOLUTION RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS ADOPT AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADDING OR REVISING DEFINITIONS (Sec. 9.5-4) RELATING TO AFFORDABLE HOUSING DENSITY; AMENDING MAXIMUM RESIDENTIAL DENSITY AND DISTRICT OPEN SPACE (Sec. 9.5-262) TO ALLOW FOR DENSITY BONUSES FOR AFFORDABLE UNITS OF 750 SQ. FT. OR LESS; AMENDING REQUIRED PARKING (Sec. 9.5-352); AMENDING AND/OR ADDING FOR CONSISTENCY PURPOSES RELATED PROVISIONS; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING EFFECTIVE DATE; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES

WHEREAS, the Monroe County Planning Commission during a public hearing held on March 22, 2006 reviewed and considered a proposed amendment to the Land Development Regulations defining "Dwelling Density Bonus Unit" providing for density bonuses for affordable and employee housing units of 750 sq. ft. or less increasing the allowable density in the sub-urban commercial land use district for affordable/employee housing and amending required parking (9.5-352), a copy of the proposed amendments being attached hereto; and

WHEREAS, the lack of sufficient affordable housing opportunities for the local workforce creates serious risks to the local economy; and

WHEREAS, there is limited land area suitable for residential development remaining in the County; and

WHEREAS, allowing a density bonus will allow for the creation of more affordable housing and is a legitimate state interest and is necessary to implement Goal 601 of the plan (e.g., Policy 601.1.12 and Objectives 601.2 and 601.6); and

WHEREAS, there is a current estimated unmet need of about 7,317 affordable units the County; and

WHEREAS, these amendments to the land development regulations recognize the need for additional detail and comprehensiveness in addressing housing needs in Monroe County, based upon, among other factors, new issues, including accelerated conversion of existing affordable housing stock, increased housing pressures due to housing loss caused by Hurricane Wilma, and the changed projections and assumptions regarding resulting demographic trends; and

WHEREAS, during a regularly scheduled meeting held on March 7, 2006, the Development Review Committee, after review and discussion with Workforce Housing Task Force counsel, recommended approval of the proposed amendment to the Planning Commission; and

WHEREAS, the Planning Commission has reviewed the proposed amendments to the Land Development Regulations recommended by the Development Review Committee and presented on behalf of the Workforce Housing Task Force by its counsel at the public hearing on March 22, 2006 in Key Largo and staff reports, and heard public comment, if any; and

WHEREAS, the Planning Commission finds the proposed amendments are consistent with and further the goals, objectives and policies of the Year 2010 Comprehensive Plan;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Board of County Commissioners of the amendments to the Land Development Regulations as follows:

Section 1. The proposed amendments to the Land Development Regulations are consistent with and further goals, objectives and policies of the Year 2010 Comprehensive Plan.

Section 2.

Add Sec. 9.5-4(D-31)(a) as follows:

(D-31)(a) *Dwelling, density bonus unit* means the additional number of dwelling half units that can be added to a site pursuant to the means as defined in Section 9.5-262** and shall be one (1) or more rooms physically arranged to create a housekeeping establishment for occupancy by one (1) family with separate toilet facilities. The abbreviation “DDBU” shall mean “dwelling density bonus unit”.

Section 3.

Add Sec. 9.5-4(D-31)(b) as follows:

(D-31)(b) *Dwelling, half unit* means deed restricted affordable housing units as defined in MCC § 9.5-4 (A-4-5) that range in size from 400 to 750 square feet which shall be considered one-half (.5) of a dwelling unit for the purpose of calculating density as laid out in §9.5-262**.

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** For the purposes of these density calculations only, notwithstanding the definition of a dwelling unit as defined in §9.5-4 (D-31), deed restricted affordable or employee housing units (as defined in MCC§§9.5-(A-4-5) and (E-1)), respectively), in the SC, MU and UR land use districts that range in size from 400 to 750 square feet shall be considered a *dwelling half unit*. An equal number of additional *dwelling half unit(s)* shall be available for each dwelling half unit provided. The additional dwelling half units shall be defined as *dwelling density bonus unit(s)*.

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Amend Section 9.5-352 by adding row as follows:

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TABLE INSET:

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Section 6. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 7. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

Section 8. Effective Date.

This ordinance shall become effective as provided by law. Where Comprehensive Plan amendments may be required in order for any part of this ordinance to be deemed consistent with the Comprehensive Plan, the effective date of such part shall be as of the effective date of the required Comprehensive Plan amendment and as otherwise required by law.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida at a regular meeting held on the 22nd day of March 2006.

Chair James D. Cameron	<u>YES</u>
Vice Chair Julio Margalli	<u>ABSENT</u>
Commissioner Randy Wall	<u>YES</u>
Commissioner Michelle Cates Deal	<u>ABSENT</u>
Commissioner Sherry Popham	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
James D. Cameron, Chair

Signed this _____ day of _____, 2006